

## **ROLES AND RESPONSIBILITIES WITHIN THE FOREST PRACTICES SYSTEM**

### **Overview**

The Forest Practices Act provides a co-regulatory framework that fosters responsible self-management and delegated decision-making by forest managers<sup>1</sup>, backed up with independent monitoring and enforcement by the Forest Practices Authority (FPA).

Persons conducting forest practices are responsible for the planning and supervision of those practices so as to ensure that they comply with the requirements of the Act and Forest Practices Code. The role of the FPA is to foster responsible self-management through an emphasis on the provision of expert advice, the development of planning tools, training and research. These services are primarily funded within the FPA through the income received from the statutory fees prescribed within the Act. The FPA also independently monitors and enforces the Act, and provides advice to Parliament through the responsible Minister. These functions are funded by Parliament.

In recent years planning regulations, particularly for threatened species and communities, have substantially increased the workload for both forest planners and FPA specialists. The increased regulatory requirements demand improved planning tools, training programs and streamlined decision-making processes.

This document seeks to clarify the roles and responsibilities of the FPA and forest managers.

The primary role of the FPA is to administer a regulatory framework and provide services that directly support-

- Specialist advice and assistance to FPOs
- Assessing applications for certification of a forest practices plan (FPP)
- The development of planning tools to support the implementation and ongoing improvement of the Forest Practices Code
- The training of Forest Practices Officers (FPOs)
- Research
- Independent monitoring and compliance actions.

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<sup>1</sup> Forest Managers for the purposes of this paper includes any land manager who undertakes forest practices as defined in the Forest Practices Act.

The primary role of forest managers is to plan and supervise their operations to ensure compliance with the Forest Practices Act and Code, through-

- Internal management systems
- Training of staff and contractors
- Supervising operations and reporting on compliance.
- Strategic level planning
- Conducting surveys and assessments to meet the requirements of the Code and submitting this information to the FPA for assessment as required
- Research
- Communication and consultation with the community

## **1. General roles and responsibilities of parties under the forest practices system**

### **1.1. Persons who apply for certification of a forest practices plan (“applicants”)**

- 1.1.1. Persons intending to carry out forest practices (such as landowners, forest companies or contractors) are responsible for ensuring that the practices are covered by a certified forest practices plan or that the practices are exempt from the requirement for a forest practices plan (s.17 of the Act).
- 1.1.2. The person who applies for the certification of a forest practices plan is responsible for ensuring that the plan is prepared in accordance with the Forest Practices Code and any administrative requirements laid down by the FPA, including the need for any surveys or assessments. Generally, this will mean that the applicant will engage a qualified Forest Practices Officer or other trained person to prepare the forest practices plan. The applicant is responsible for engaging suitably qualified persons to undertake any surveys or assessments that are required to support the application for certification of a forest practices plan (see also section 2).
- 1.1.3. The applicant must provide any further particulars required by the FPA (s.18 of the Act).
- 1.1.4. The applicant must submit the forest practices plan to an accredited Forest Practices Officer for certification.
- 1.1.5. It is the responsibility of the applicant to ensure compliance of the certified plan, noting that other parties may also be given specific responsibilities under the plan.

*Legal compliance* requires the applicant to lodge compliance reports with the FPA within 30 days after the completion of each discrete operational phase specified within the forest practices plan. The compliance reports must be prepared and certified by a Forest Practices Officer.

The achievement of compliance may be assisted through the engagement of Forest Practices Officers or other qualified persons to supervise the operations on a regular basis and through the use of environmental management systems or quality assurance programs.

## **1.2. Forest managers and forest companies**

- 1.2.1. Large organisations are responsible for carrying out strategic level planning of proposed forest practices.

*Legal compliance* requires organisations that harvest more than 100,000t p.a. are required to prepare three year plans of proposed operations (s.27 of the Act);

Strategic level planning may be enhanced by:

- (a) providing information and consulting with local government and local communities about planned activities;
  - (b) carrying out or contributing to strategic planning and research projects related to the impact of forestry operations on natural and cultural values, including water yields, biodiversity and scenic amenity.
- 1.2.2. Forest managers and companies should ensure that all staff and contractors undertaking forest planning, operational and supervisory activities are appropriately trained and qualified.
- 1.2.3. Forest Managers and companies should contribute to the development and implementation of training related to the Forest Practices Code in association with the FPA.
- 1.2.4. Forest managers and companies should actively strive for continuing improvement of forest practices by conducting and supporting research and development. They should actively make their expertise and experience available to the wider forest practices system through contributions to working groups and reviews, including the Forest Practices Code and associated planning tools.

## **1.3. The Forest Practices Authority**

The statutory functions of the FPA are detailed in s.4C of the Forest Practices Act (Appendix 1).

### **1.3.1. Self-funding activities**

- 1.3.1.1. The activities funded by the application fee for forest practices plans (s.18 of the Act), include the following-
- a. Development and updating of the Forest Practices Code and supporting planning tools, including the Botany Manuals and Threatened Fauna Advisor
  - b. Research and development of specifications and standards to support the scientific basis of the Forest Practices Code, including monitoring and reviewing the efficacy of management prescriptions
  - c. Training and accreditation of forest practices officers to support the delegation of decision-making powers to those officers
  - d. Contributing to the technical aspects of policies, strategic plans, partnerships and agreed procedures with other agencies and tiers of

government to foster efficient and streamlined approval processes, including accreditation of processes to meet requirements of other legislation and policies.

- e. Reviewing notifications, assessments and draft prescriptions related to applications for forest practices plans and providing expert advice to ensure that the applications meet relevant legislative and policy requirements.
  - f. Provision of specific advice to forest practices officers and assistance with surveys or field assessment where required to endorse or clarify information provided in applications for forest practices plans or to recommend prescriptions in situations not specifically covered by the Code.
  - g. Monitoring the implementation of planning procedures
  - h. Provision of expert advice to Tribunals or other parties where the provisions of specific forest practices plans are queried or challenged
  - i. Training and professional development of research and advisory staff and other administrative overheads.
- 1.3.1.2. The activities funded by the prescribed fee for tree fern tags (s.18A of the Act), include the following-
- a. Development and updating of the Tree Fern Management Plan for the sustainable harvesting of tree ferns
  - b. Research and development of specifications and guidelines for the sustainable harvesting of tree ferns, including research into the development of a transition strategy from forest conversion to native forest management.
  - c. Provision of information on the Tree Fern Management Plan to harvesters, landowners and persons engaged in the sale of tree ferns.
  - d. Production and issuing of tree fern tags
  - e. Monitoring and reporting on compliance with the Tree Fern Management Plan.
  - f. Training and professional development of the Tree Fern Project Officer and other administrative overheads.
- 1.3.1.3. Other activities are specifically funded by grants or contracts for services. These activities are mainly related to research funding and consultancy services, which are provided on a fee for service basis.

### **1.3.2. Activities funded by Parliament**

The activities funded by Parliament include all of the costs and expenses detailed in Appendix 2, including-

- a. Governance and administration of the forest practices system through the board of directors, the Chief Forest Practices Officer and supporting staff.
- b. Independent monitoring and compliance functions
- c. Advice to government on policy and regulation relating to forest practices

- d. Leading and developing policies, strategic plans, partnerships and agreed procedures with other agencies and tiers of government to foster efficient and streamlined approval processes, including accreditation of processes to meet requirements of other legislation and policies.
- e. Advice to the public
- f. Training and professional development of directors, the Chief Forest Practices Officer and supporting staff and other administrative overheads.

### 1.3.3. Allocation of Resources

Appendix 3 provides a breakdown of the current allocation of resources against specific services provided by the FPA.

**Table 1. Summary of the relative roles and responsibilities within the forest practices system**

<b>Function</b>	<b>Role of forest manager</b>	<b>Role of FPA</b>
<b>Training</b>	Forest managers ensure that their staff and contractors are trained and accredited	FPA conducts training for FPOs
<b>Preparation of FPP</b>	Applicant conducts surveys and assessments and prepares FPP in accordance with the Code and planning tools	FPA reviews notifications, assessments and draft prescriptions and provides specialist advice (as required)  If appeal is lodged in relation to FPP, FPA provides expert evidence to Tribunal
<b>Monitoring and reporting on compliance</b>	Forest Managers employ FPOs to supervise their operations and submit compliance reports to FPA	FPA independently monitors operations and conducts investigations into alleged breaches
<b>Research, review and continuing improvement</b>	Forest Managers contribute to research programs  Forest Managers contribute to reviews of the Code and supporting tools	FPA conducts and contributes to collaborative research programs, including seeking external research funds.  FPA reviews and revises the Code and supporting tools in consultation with FPAC

<b>Function</b>	<b>Role of forest manager</b>	<b>Role of FPA</b>
<b>Strategic Plans</b>	Forest Managers (harvesting >100,000 t/yr) prepare Three Year Plans.  Forest Managers develop or contribute to the development of broader strategic plans	FPA liaises with DPIW and forest managers to foster and contribute to the development and implementation of strategic planning approaches.
<b>Communication and information</b>	Forest Manager provides information on FPPs to clients, neighbours.	FPA provides general advice about the forest practices system via web site and publications

## **2. Specific roles and responsibilities in relation to FPP notifications**

The preparation of a forest practices plan is the responsibility of the applicant. The FPA provides general advice and assistance to FPOs on the interpretation and application of the Act, Code and associated planning tools. Responsibilities for specialist advice are detailed below. The survey and assessment requirements for each program are detailed on the FPA notification and evaluation sheets.

### **2.1. Biodiversity Program**

- Routine surveys and assessments are the responsibility of the applicant. These assessments include baseline surveys, including the identification of RFA communities, threatened species habitat and eagle nests, in accordance with the planning tools and instructions provided to FPOs. Assessments should be undertaken by suitably trained and accredited FPOs, forest planners or consultants. Staff of the Biodiversity Program will provide assistance to FPOs as part of an ongoing training and support role.
- Specialist surveys: FPA specialists may make a field visit to a coupe where biodiversity issues are complex or difficult to verify and/or expert advice is required to clarify the application of the Code and develop management prescriptions. Where surveys requiring special expertise or resources can not be undertaken by accredited officers or by the FPA the applicant may be required to engage an appropriately qualified consultant to undertake a survey.
- The Biodiversity Program will consult with the relevant body (including DPIW) on threatened species issues directly related to coupe and/or strategic planning for coupes.
- An ongoing advisory service will be provided to FPOs for information/advice directly related to FPP planning.
- The Biodiversity Program will liaise with forest managers and DPIW with respect to the development of strategic level plans.

## 2.2. Earth Sciences Program

- Routine surveys and assessments are the responsibility of the applicant. FPOs or consultants should use the planning tools to identify geoscience, soil and water issues, including soil erodibility classification and issues requiring particular attention such as: karst; domestic or town water intakes; landslide risk; and erosion features or eroding streams. Staff of the Earth Sciences Program will provide assistance to FPOs as part of an ongoing training and support role.
- Specialist surveys- FPA specialists may make a field visit to the coupe where earth sciences issues are complex and/or expert advice is required to clarify the application of the Code and develop management prescriptions.
- An ongoing advisory service will be provided to FPOs for information/advice directly related to FPP planning.

## 2.3 Cultural Heritage Program

- Routine surveys and assessments are the responsibility of the applicant. FPOs or consultants should use the planning tools to identify whether cultural heritage sites are present or potentially present and whether or not an Aboriginal survey is required. Staff of the Cultural Heritage Program will undertake preliminary Aboriginal heritage surveys where required and provide assistance to FPOs as part of an ongoing training and support role.
- Specialist surveys- FPA specialists may make a field visit to the coupe where issues are complex and/or expert advice is required to clarify the application of the Code and develop management prescriptions. Where planning tools or preliminary surveys indicate that more extensive or complex surveys are required, these will be the responsibility of the applicant for the FPP.
- The FPA Cultural Heritage program will liaise with relevant governmental and non-governmental bodies in relation to cultural heritage matters.
- An ongoing advisory service will be provided to FPOs for information/advice directly related to FPP planning.

## 2.4. Visual Management Program

- Routine surveys and assessments are the responsibility of the applicant. FPOs or consultants should use the Visual Management System and other planning tools to determine the Landscape Priority Zone and accompanying recommended Landscape Objectives and management prescriptions. The Visual Management Program may assist FPOs with further field and office analysis to validate the assessed viewing situation and predicted effects as part of an ongoing training and support role.
- Specialist surveys- FPA specialists may make a field visit to the coupe where issues are complex and/or expert advice is required to clarify the application of the Code and develop management prescriptions. Where the Visual Management Program determines that more extensive or complex assessments are required, these will be the responsibility of the applicant for the FPP.
- An ongoing advisory service will be provided to FPOs for information/advice directly related to coupe planning.

**Table 2 - Planned response periods for the provision of advice to FPOs in relation to FPP notification**

<b>Category of notification</b>	<b>Planned response times for the provision of final advice by the FPA<sup>2</sup></b>
<p><b>Category A</b></p> <p>FPPs where the planning tools used by an accredited officer confirm that no specialist advice is required</p>	<p>0 days (No response is required. Notification may be recorded for audit/monitoring purposes only)</p>
<p><b>Category B</b></p> <p>FPPs where the planning tools used by an accredited officer confirm that no specialist advice is required but the FPO seeks confirmation or further advice.</p>	<p>Max 10 working days for office response. 20 working days if a field visit is required</p>
<p><b>Category C</b></p> <p>FPPs where the planning tools used by an accredited officer indicate that specialist advice is required.</p>	<p>Up to 20 working days if the notification is for species/operations that are covered by standard planning tools. If complex issues are present the FPA will provide advice on likely timeframes.</p>

### 3. Review of services by the FPA

- 3.1. The FPA will produce an Annual Operational Plan, detailing planned outputs and outcomes for each program
- 3.2. The FPA will prescribe performance measures for each outcome, including the development of planning tools, the provision of training and accreditation programs, the time-frames for responding to notifications, the number of field inspections and progress with research projects and the translation of research findings into operational practice.
- 3.3. The FPA will produce an Annual Report on performance against planned outcomes and performance measures.
- 3.4. The FPA will conduct an Annual Review of its programs, with the participation of key stakeholders-
  - 3.4.1. *Self-funding activities related to the FPP fee* – the Review will be conducted in association with the Forest Practices Advisory Council;
  - 3.4.2. *Self-funding activities related to the tree fern fee*- the Review will be conducted in association with the Tree Fern Reference Group
  - 3.4.3. *Other self-funding projects* – the Review will be conducted in accordance with specific project requirements

<sup>2</sup> The FPA will seek to actively and progressively minimise the response times as far as possible through the development of improved planning tools and the training and accreditation of FPOs.

- 3.4.4. *Activities funded by Parliament* – the Review will be undertaken by the board of the FPA and progress will be reported through the Annual Report to Parliament
- 3.5. The FPA will take account of comments from stakeholders in formulating final planned outcomes and performance measures.

**4. Future directions for the provision of services by the FPA (2008-2013)**

- 4.1. Improving timeframes for advice on notifications from FPOs
- 4.2. Revised Threatened Fauna Adviser
- 4.3. Development of Expert System for Threatened Flora
- 4.4. Improved strategic planning for the management of natural and cultural values within wood production forests
- 4.5. Review and revision of the Forest Practices Code
- 4.6. Development of FPO training as a nationally accredited course with defined learning outcomes
- 4.7. Development and accreditation of specialist training modules for FPOs and forest planners
- 4.8. Increased delegation of decision-making to accredited officers
- 4.9. Implementation of efficacy monitoring for natural values
- 4.10. Improved research into the impact of forestry activities on natural and cultural values

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**Appendix 1 – Functions of the Forest Practices Authority (s.4C of the *Forest Practices Act*)**

The Authority has the following functions:

- (a)** to advise the Minister on forest practices policy in respect of both Crown land and private land;
- (b)** to regularly advise and inform the Minister on its work and activities under this Act;
- (c)** to advise the Minister on the operation and review of this Act;
- (d)** to issue and maintain the Forest Practices Code;
- (e)** to oversee standards for forest practices plans;
- (f)** to oversee the administration of private timber reserves by Private Forests Tasmania;
- (fa)** to monitor and report to the Minister on harvesting, the clearing of trees and reforestation activity in relation to the maintenance of a permanent forest estate;
- (fb)** to implement the State Permanent Forest Estate Policy, being the policy referred to in, and developed in accordance with, Appendix 9 to the Tasmanian Regional Forest Agreement made between the State and the Commonwealth on 8 November 1997;
- (g)** to oversee the training of forest practices officers;
- (h)** to make a recommendation on the appointment of the chief forest practices officer and to appoint forest practices officers;
- (i)** to perform such other functions as are imposed on it by or under this or any other Act;
- (j)** to perform any prescribed functions.

## **Appendix 2 – Legislative basis for funding of the forest practices system**

The objective of the forest practices system is defined in Schedule 7 of the Act as “to achieve sustainable management of Crown and private forests with due care for the environment .... in a way that is as far as possible self-funding”. Section 44 of the Act specifically recognises the costs and expenses that are to be provided by Parliament.

### **1. Funding provided by Parliament**

Section 44 of the Act provides that the following costs and expenses are to be paid out of money provided by Parliament for the following purposes:

- a. the assessment and reporting on an annual sample of forest practices plans;
- b. the costs and expenses of preparing an annual report
- c. the costs and expenses of detecting and investigating contraventions of, or failures to comply with, this Act and the Forest Practices Code;
- d. the costs and expenses of making complaints and prosecuting offences under this Act;
- e. the amount of any compensation that is payable with respect to the refusal of private timber reserves
- f. the remuneration, and any allowances or benefits, payable to the chief forest practices officer;
- g. the costs and expenses of administrative and other services and facilities that are necessary for the effective exercise of the powers, and the effective performance of the duties, of the chief forest practices officer;
- h. such other costs and expenses as are incurred in the exercise of the Authority's powers or the performance of the Authority's functions in respect of land other than Crown land (the functions of the Authority are detailed in Appendix 1).

### **2. Self funding**

The Act contains provisions that relate to the self funding of the forest practices system, including-

- a. an emphasis on self-regulation (Schedule 7 (a) of the Act)
- b. provision that any person may prepare an application for certification of a forest practices plan (s.18 of the Act)
- c. provision for the appointment of forest practices officers of “any person employed by the Forestry Corporation, any person employed by a body corporate which has an involvement in forest practices in Tasmania, or any person whom [the Authority] regards as being suitably qualified” (s.38 and s.39 of the Act)
- d. provision for the Authority to delegate its powers with respect to the certification of forest practices plans to forest practices officers (s.43 and Schedule 7 (c) of the Act)
- e. provision for a fee to be lodged with respect to an application for certification of a forest practices plan (s.18 of the Act)
- f. provision that the Authority may require an applicant to provide further information in relation to an application for certification of a forest practices plan (s.18 of the Act).

### Appendix 3 - Allocation of FPA functions and services

#### a. Services related to the forest practices plan fee (% of program)

	Biodiversity	Earth Sciences	Cultural Heritage	Landscape	General Advisory and Admin
Development and updating of the Forest Practices Code and supporting planning tools	10	10	10	15	15
Research, including monitoring and reviewing the efficacy of management prescriptions	20	20	7	15	1
Training and accreditation of FPOs	10	10	12	10	5
Developing policies, strategic plans, partnerships, agreed procedures, streamlined approval processes	15	5	10	15	2
Reviewing notifications and providing expert advice on FPPs, including liaison with other agencies under partnership agreements	20	30	15	20	2
Provision of specific advice to forest practices officers through assisting with surveys and field assessment	15	15	35	15	10
Monitoring the implementation of planning procedures	5	5	5	5	
Provision of expert advice to Tribunals etc	1	1	1	1	2
Advisory and administrative overheads <sup>1</sup>	4	4	5	4	63
	100%	100%	100%	100%	100%

<sup>1</sup> administrative overheads include administrative support, financial management, general public enquiries, staff training and development and providing advice to the Minister, governmental enquiries and Freedom of Information requests, OH & S.

**b. Services related to Parliamentary funding (% of program)**

	<b>Board</b>	<b>CFPO</b>	<b>Compliance Program</b>	<b>Advisory Program</b>	<b>Administration Program</b>
Governance and administration	80	45			70
Advice on policy and regulation	10	25	5	5	
Advice to FPOs		10	10	50	10
Advice to the public		5	5	40	15
Monitoring and investigation	5	10	75		
Training and professional development	5	5	5	5	5

**c. Services related to the Tree Fern tag (% of program)**

Development and revision of Tree Fern Management Plan	20
Research	30
Information to the tree fern industry	15
Issue of tags and accounts	15
Monitoring and compliance reporting	15
Training and professional development	5